(P1)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (C) No. 2101 of 2007

Petitioner		Sikhi Yadav, s/o Bukhau Yadav, aged about 40 years, r/o Kansa Chowk, Tikrapara, Bilaspur (C.G)
	Versus	
Respondents	1.	Municipal Corporation – Through – The Municipal Commissioner, Municipal Corporation, Bilaspur C.G.
	2.	The Collector, Bilaspur C.G.
	3.	The Health Officer, Municipal Corporation, Bilaspur, C.G.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

SB: Hon'ble Justice **Satish K. Agnihotri**

Shri A. V. Shridhar, Advocate for the petitioner.

Shri A. S. Kachwaha, Advocate for the respondent No.1.

Shri Satish Gupta, Deputy Govt. Advocate for the respondents No. 2 and 3.

ORDER

(Passed on this 15th day of June, 2007)

1. The petitioner has impugned the notice dated 24.3.2007 (Annexure P/1) wherein the petitioner has been asked to shift his dairy to the area namely 'Gokuldaham', which has been developed by the Municipal Corporation, Bilaspur for dairies. The notice indicates that under the provisions of the Municipal Solid Wastes (Management and Handling Rules) 2000 such activities cannot be permitted in the residential areas. Thus, the separate area at Gokuldham has been developed for the said purpose.

2. Shri Kachwaha, learned counsel appearing for the respondent No. 1 submits that the petitioner has not made any application for allotment of the site in Gokuldham. The moment an application is made, the Corporation shall consider the same and allot the site.

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3. In view of that, there is no merit in this petition. The petitioner is at liberty to make a proper application to the municipal authorities for allotment of the site at Gokuldham. The Municipal Corporation shall consider and pass appropriate order, accordingly.

4. In view of the foregoing, the petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur